

REMARKS

Applicants have amended claims 7, 11, 12, and 15, and added claim 52. Claims 1-6, 8, 9, 14, and 23-51 are canceled. Claims 13 and 20-22 are withdrawn. Claims 7, 10-12, 15-19, and 52 are presented for further examination.

Corrections to Response to Restriction Requirement

Applicants noticed the following errors in the response to the restriction requirement that was filed on December 6, 2011. With regard to the election of species, the response to the restriction requirement stated that "Applicants ... elect the Species shown in Figs. 5-5B." FIG. 5C was inadvertently omitted; however, Fig. 5C is also included in the elected Species.¹

In addition, the response filed in December 6, 2011 stated that "at least claims 7-13 and 15-19 read on the elected species." However, applicants believe that this should have instead stated that "at least claims 7, 8, 10-12 and 14-19 read on the elected species." That is, upon further review, claims 9 and 13 do not appear to read on the elected species, and, thus, should not have been identified as reading on the elected species. Furthermore, claim 14 did read on the elected species and should have been identified as reading on the elected species. In this regard, applicants have now withdrawn claim 13 and canceled claims 9 and 14. Newly added claim 52 includes the "handle operator"² previously recited in claim 14.

Claim Rejections – 35 U.S.C. § 112

Claim 7-13 and 15-19 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the Office Action (page 2), "[t]here is no enabling description of first and second sealing annuli." In this regard, applicants have amended claim 7 to remove the first and second sealing annulus.

¹ This is also consistent with the restriction requirement mailed on November 22, 2011 (page 6), which identifies "Figure(s) 5-5C" as one in a list of patentably distinct species.

² See, e.g., item 110 of FIG. 5.

The Office Action also states that “[t]here is no enabling disclosure of a pin valve coincident with the valve axis of rotation which can communicate with both a blank and a conduit since the axis of rotation is fixed at the axis of rotation of the rotor.” Applicants have amended claim 7 to more clearly define the scope of that claim. In this regard, claim 7 has been amended to remove reference to the “axis of rotation of said isolation valve,” the “axis of rotation of said rotor,” and “an axis of rotation of said rotor being one of parallel and coincident with the axis of rotation of said isolation valve, said rotor disposed such that orientation of said rotor can change by rotation around the axis of rotation of said rotor.”

In view of the foregoing claim amendments and remarks, the rejection of claims 7, 8, 10-12, and 15-19 under 35 U.S.C. § 112, first paragraph, should be withdrawn. Claim 13 is withdrawn, and, as such, the rejection is now moot with respect to that claim.

Claims 7-13 and 15-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

According to the Office Action (page 3), “[c]laim 7 recites a valve axis of rotation which defines a rotary body. The only rotary body of the disclosed embodiment is the rotor.” Applicants respectfully disagree. Claim 7 does not recite “a valve axis of rotation which defines a rotary body.” To the extent that the Examiner disagrees, applicants respectfully request that the Examiner point out with more particularity which portion of the claim is believed to include such a feature.

The Office Action further states that “[t]he claims further recite that the axis of rotation of the rotor is ‘one of parallel and coincident with the axis of rotation of said isolation valve,’ which calls for an axis of rotation parallel to itself.” As noted above, applicants have removed the phrase “an axis of rotation of said rotor being one of parallel and coincident with the axis of rotation of said isolation valve.”

In view of the foregoing claim amendments and remarks, the rejection of claims 7, 8, 10-12, and 15-19 under 35 U.S.C. § 112, second paragraph, should be withdrawn. Claim 13 is withdrawn, and, as such, the rejection is now moot with respect to that claim.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

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Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 230503, referencing Attorney Docket No. W-358-02.

The undersigned attorney can be reached at 508-482-3231.

Respectfully submitted,

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